

The article was alleged to be misbranded in that the statements, "Rubbing Alcohol Compound" and "16 fluid ounces", borne on the labels, were false and misleading since it did not consist of ordinary (ethyl) alcohol but did consist of a mixture of alcohol and water and the net contents were less than 16 fluid ounces; and in that it failed to bear a statement on the label of the quantity or proportion of isopropyl alcohol contained therein, since the expression "Isopropyl Alcohol 70 Proof" was meaningless.

On June 3, 1936, no claimant having appeared, judgments were entered and it was ordered that the product be forfeited and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26750. Adulteration and misbranding of rubbing alcohol compound. U. S. v. 117 Bottles of Rubbing Alcohol Compound. Default decree of condemnation and destruction. (F. & D. no. 37650. Sample no. 68736-B.)

This case involved an interstate shipment of rubbing alcohol compound that contained no ordinary (ethyl) alcohol, but consisted of a mixture of isopropyl alcohol, acetone, and water; and the label failed to bear a statement of the quantity of isopropyl alcohol present in the article.

On April 24, 1936, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 bottles of rubbing alcohol compound at McAlester, Okla., alleging that the article had been shipped in interstate commerce on or about February 25, 1936, by Dixie Debs Cosmetics, Inc., from Dallas, Tex., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

It was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Rubbing Alcohol Compound", since it did not contain ordinary (ethyl) alcohol, but consisted of a mixture of isopropyl alcohol, acetone, and water.

The article was alleged to be misbranded (1) in that the statement on the label, "Rubbing Alcohol Compound", was false and misleading, since it did not consist of ordinary (ethyl) alcohol, but did consist of a mixture of isopropyl alcohol, acetone, and water; and (2) in that the bottle label did not bear a statement of the quantity or proportion of isopropyl alcohol contained therein.

On July 1, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26751. Misbranding of Hi-Test Catarrh Jelly and Quality Sealed Sore Throat Remedy. U. S. v. 245 Tubes of Hi-Test Catarrh Jelly and 196 Bottles of Quality Sealed Sore Throat Remedy. Default decree of condemnation and destruction. (F. & D. nos. 37651, 37652. Sample nos. 71566-B, 71567-B.)

The label of each of these articles bore false and fraudulent representations regarding its curative or therapeutic effects, and the label of the Quality Sealed Sore Throat Remedy also bore a false and misleading representation as to the quantity of contents of the package.

On April 23, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 245 tubes of Hi-Test Catarrh Jelly and 196 bottles of Quality Sealed Sore Throat Remedy at St. Louis, Mo., alleging that the articles had been shipped in interstate commerce on or about January 9, 1936, by Sam Sorbitz and Star Jobbing Co., from Continental Drug Corporation, Alton, Ill., and that they were misbranded in violation of the Food and Drugs Act as amended.

Analysis of the Hi-Test Catarrh Jelly showed that it consisted essentially of petrolatum with small amounts of volatile oils, including menthol and eucalyptol. The article was alleged to be misbranded in that the statements appearing on the package and on the label of the container, "Catarrh Jelly * * * Application for Catarrh and Hay Fever * * * Heals raw and inflamed surfaces", falsely and fraudulently represented that it was capable of producing the curative or therapeutic effect claimed.

Analysis of the Quality Sealed Sore Throat Remedy showed that it consisted essentially of water, glycerin, potassium chlorate, tannic acid, and phenol. The article was alleged to be misbranded in that the statement appearing on the package and on the label of the container, "Sore Throat Remedy", falsely and fraudulently represented that it was capable of producing the curative and therapeutic effect claimed. Said article was alleged to be mis-

branded further in that the statement "2 Fld. Ozs.", appearing on the package, and the statement "2 ozs.", appearing on the label of the container, were false and misleading when applied to the packages of an article, each of which contained less than 2 fluid ounces thereof.

On September 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26752. Adulteration and misbranding of Lacta Kaolin Plain and Lacta Kaolin Laxative. U. S. v. 8 Cartons of Lacta Kaolin Plain and 8 Cartons of Lacta Kaolin Laxative. Default decree of condemnation and destruction. (F. & D. nos. 37655, 37656. Sample nos. 57024-B, 57025-B.)

Both products were described in an accompanying booklet as articles of food and it was represented on the labels that they could be taken freely without harmful effect, when they contained kaolin (clay), which had no food value, and they could not be taken freely as food without harmful effect; and the labels, an accompanying leaflet, and a booklet bore and contained false and fraudulent representations regarding the curative or therapeutic effect of the articles in the treatment of intestinal diseases. The Lacta Kaolin Laxative also was represented on the labels as a combination of lactose and kaolin, with the addition of 2 percent of agar-agar, flavored with cocoa, when it also contained phenolphthalein, a drug.

On April 29, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 cartons of Lacta Kaolin Plain and 8 cartons of Lacta Kaolin Laxative at Detroit, Mich., alleging that the articles had been shipped in interstate commerce on or about February 15, 1936, by the Alpha Laboratory, Inc., from Chicago, Ill., and that they were adulterated and misbranded in violation of the Food and Drugs Act.

Analysis showed that the Lacta Kaolin Plain consisted essentially of lactose, kaolin, agar, and cocoa; and that the Lacta Kaolin Laxative consisted essentially of lactose, kaolin, agar, cocoa, and phenolphthalein.

Both of the articles were alleged to be adulterated: (1) In that a nonfood substance, kaolin (clay), had been mixed and packed with them so as to reduce and lower and injuriously affect their quality and strength; and (2) in that a nonfood substance, kaolin (clay), had been substituted wholly or in part for a food, which each of the articles purported to be by reason of the statements contained in a booklet enclosed in the shipping packages, "Lacta-Kaolin (Alpha) is not a medicine. It is a food * * * being a food * * * when mixed in hot water this becomes a tasty 'chocolate drink'." Both of the articles were alleged to be misbranded in that the statements contained in the said booklet, "Lacta-Kaolin (Alpha) is not a medicine. It is a food * * * being a food * * * when mixed in hot water this becomes a tasty 'chocolate drink'", and the statement appearing on the labels, "Lacta Kaolin is absolutely harmless and can be taken freely", were false and misleading. Both were alleged to be misbranded further in that statements regarding their curative or therapeutic effects, on the carton labels and in a leaflet and booklet enclosed in the shipping packages, falsely and fraudulently represented that they were capable of overcoming intestinal putrefaction and restoring and establishing an aciduric, antiputrefactive intestinal flora; were capable of curing halitosis, or bad breath, originating in the gastro-intestinal tract; were capable of protecting or preserving the general health by changing the intestinal flora and keeping the colon free from germs of putrefaction; were capable by their action in the colon, of rendering putrefactive germs impotent and incapable of doing further harm and of checking putrefaction, reducing gas, stopping reabsorption of poisons into the blood, and cleansing the colon of the putrid germs; were capable of reducing the effects of putrefaction, of causing normal excretions from the bowels, of effecting freedom from gas, and of causing clear skin and mental alertness; were effective in the treatment of many forms of stomach and bowel trouble and constipation.

The Lacta-Kaolin Laxative was alleged to be misbranded further in that the statements, "Lacta-Kaolin Laxative", "With Addition of 2% Agar-Agar and Deliciously Flavored with Finest Grade Cocoa", and "Lacta-Kaolin is a combination of Lactose and Kaolin", borne on the label, were false and misleading, since it contained phenolphthalein.

On June 16, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*